

REMARKS

Favorable reconsideration is respectfully requested.

The claims are 17-26 with claims 17-20 and 22-25 being withdrawn from consideration.

Undersigned acknowledges the helpful interview with the Examiner Morillo on May 26, 2010.

No specific agreements were reached at said interview.

The Examiner Interview Summary Record generally sets forth the substance of the interview.

The representations made said interview are included in the remarks below.

The holding that applicants constructively elected claims 21 and 26 is respectfully traversed.

The rationale for holding that Applicants made such constructive election is that they previously received an Official Action on the merits for the originally presented invention and that by changing the claim terminology to "consisting of", five independent and distinct inventions were created that were not present with the original claims.

Assuming this to be the case, a review of the subject matter previously examined does not indicate any justification for stating that Applicants constructively elected any particular one of the five allegedly independent and distinct inventions.

To expedite prosecution, Applicants may acquiesce in the constructive election if the Examiner considers claims 21 and 26 allowable for reasons set forth below.

Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensel (US 2,450,340) in view of Croce (US 6,841,012).

At the interview, the Examiner indicated that narrower claims and a further Declaration consistent with unexpected results for the full scope of such narrower claims might be favorably considered.

Accordingly, narrower claims and a new Declaration are submitted herewith.

Above-amended claim 21 recites a sputtering target material with surprisingly high reflectance and good sulphurization resistance throughout the claimed scope.

With regard to the amount of P in the target material, support for the recited range is evident from Table 1 on page 8 of the present specification .

With regard to the amount of In, Sn and Zn, see e.g. Table 1 on page 8 of the specification and the disclosure on pages 4 and 6.

With regard to the amount of Au, Pd and metallic elements such as Cu, Ni, Fe and Bi, the upper limit of their ranges is mentioned as “in particular” preferable in the present specification at page 6, lines 1-8 and Table 1 on page 8.

Also, see the ranges disclosed on page 3 of the present specification.

Thus, there is clear support for above-amended claim 21 throughout the specification.

The attached Declaration provides examples representative of the claimed scope and shows that these examples exhibit unexpectedly superior sulfurization resistance as compared with Comparative Examples 4-1, 4-2 and 4-3 in the Declaration filed on November 10, 2009.

The manner in which the present claims distinguish over the cited references will now be explained.

Hensel teaches a silver base alloy for metal evaporation wherein the metal to be evaporated is usually hung on a tungsten filament as small loops of wire. To adequately wet the tungsten, Hensel found that phosphorus (P) should be included in a small amount.

The alloy disclosed by Hensel contains phosphorus, platinum and silver as does Comparative Example 4-2 in the Declaration of November 10, 2009.

No mention is made in Hensel of other elements recited in claim 21 such as In, Sn and Zn.

Croce teaches an anti-tarnish silver alloy which contains Ag, In, Sn and Zn but implicitly excludes P. Please see Comparative Example 6 of Table 4 in column 9, clearly teaching a P-containing alloy which is severely tarnished.

There is not a single example in Croce where phosphorus is included and yet exhibits satisfactory results. The only example which contains phosphorus produces unsatisfactory results.

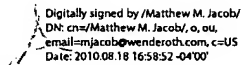
Accordingly, combined reference teachings do not constitute a *prima facie* case of obviousness and it is not even necessary to rebut this rejection with a comparative showing. However, when taken with the enclosed comparative showing, it is clear that the rejection is completely untenable and should be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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